

Exhibit F

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE: Bard IVC Filters Products)
Liability Litigation,) MD 15-02641-PHX-DGC
)
)
_____)
)
Lisa Hyde and Mark Hyde, a married) Phoenix, Arizona
couple,) September 18, 2018
)
)
Plaintiffs,)
)
)
v.) CV 16-00893-PHX-DGC
)
)
C.R. Bard, Inc., a New Jersey)
corporation, and Bard Peripheral)
Vascular, an Arizona corporation,)
)
)
Defendants.)
_____)

BEFORE: THE HONORABLE DAVID G. CAMPBELL, JUDGE

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TRIAL DAY 1 - A.M. SESSION

Official Court Reporter:
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Proceedings Reported by Stenographic Court Reporter
Transcript Prepared with Computer-Aided Transcription

08:33:07 1 motions. And I thought you agreed that McMeeking can testify
2 along those lines.

3 In terms of what he would say for a particular
4 patient, he is not going to come in and say that the
08:33:23 5 Simon Nitinol filter was appropriate for Lisa Hyde, and I
6 wouldn't ask him that.

7 He has said in his case-specific report that the Bard
8 G2X filter is improperly and inadequately designed such that
9 it does not prevent tilt, caudal migration, fracture and
08:33:45 10 perforation, as it lacks adequate safeguards against these
11 failure modes to a reasonable degree of scientific and
12 engineering probability and certainty. The failures of
13 Ms. Hyde's filter resulted from poor design, inadequate
14 testing prior to marketing the filter, and implantation of the
08:34:07 15 filter -- and implantation -- prior to implantation of the
16 filter in Mrs. Hyde, and improper internal assessment of the
17 filter via analysis, including finite analysis and other
18 methods of analysis utilized by Bard.

19 So I believe that sums his opinions in this case and
08:34:26 20 where he's going to go.

21 THE COURT: All right. Ms. Helm, do you have a
22 problem with what Mr. O'Connor just read as an opinion to be
23 stated?

24 MS. HELM: Your Honor, those opinions, to use a term
08:34:40 25 I've heard you say before, are all fair game. My objection

DIRECT EXAMINATION (CONT'D) - ROBERT McMEEKING

11:29:46 1 MS. HELM: Nowhere in his reports has he offered an
2 alternative design as a two-tier design. He's said that the
3 Simon Nitinol is an alternative design, but he's now
4 testifying to a filter like the Simon Nitinol.

11:29:59 5 When I raised this with Mr. O'Connor before we
6 started today, he said he wasn't going to offer that opinion.
7 So --

8 MR. O'CONNOR: He's going to talk about his opinions
9 on caudal anchors, he's going to talk about his opinions on
11:30:12 10 the chamfer, and he's going to talk about his opinions on
11 perforation limiters. All listed and set forth in his report.

12 THE COURT: Well, he just talked about a two-tier
13 design. Is that in his report?

14 MR. O'CONNOR: Yes.

11:30:25 15 THE COURT: Can you show it to me?

16 MR. O'CONNOR: Do we have --

17 It's a repeat of what he said on Simon Nitinol.

18 THE COURT: He didn't talk about Simon Nitinol. He
19 said a two-tiered design would be an improvement.

11:30:37 20 MR. O'CONNOR: That's what he's referring to.

21 THE COURT: Then I think he should clarify he's
22 talking about the Simon Nitinol.

23 MR. O'CONNOR: Then I'm going to have talk about
24 caudal anchors, the chamfer, and the perforation limiters.

11:30:48 25 THE COURT: All right. If he clarifies the two-tier

DIRECT EXAMINATION (CONT'D) - ROBERT McMEEKING

1 means the Simon Nitinol, that addresses your issue.

2 MS. HELM: As long as it's the Simon Nitinol.

3 MR. O'CONNOR: That's fine.

4 THE COURT: Okay. So clarify that and you can move
5 on.

6 (Bench conference concludes.)

7 THE COURT: Thank you.

8 BY MR. O'CONNOR:

9 Q Dr. McMeeking, I just wanted to talk about -- clarify
10 something for everybody here and the members of the jury.

11 The two-tier design is what you talked about when you
12 talked about the Simon Nitinol filter is a safer filter.

13 A That's correct.

14 Q All right. Now, what about caudal anchors? Did you
15 report on those?

16 A I did.

17 Q What are caudal anchors?

18 A Caudal anchors are features on the filter.

19 May I have the Elmo on again, please.

20 Again, if you look at the Eclipse filter, you can see
21 at the left end where we have the feet on the legs there are
22 hooks. These hooks are designed to hook into the wall of the
23 vena cava and that will help to stop the filter moving in this
24 direction. Because to move in this direction, you have to
25 work against the shape of the hooks.

DIRECT EXAMINATION (CONT'D) - ROBERT McMEEKING

1 Caudal anchors are hooks that point in the opposite
2 direction, so that if the filter wants to move that way, the
3 hooks will inhibit that motion.

4 Q All right. And that would, in your opinion, reduce or
5 prevent which failure mode?

6 A It would reduce and help to eliminate the failure mode of
7 caudal migration, and it would reduce and help to eliminate
8 the fault of tilting. Because when the filter tilts, it needs
9 to move some of its limbs in the caudal direction, even if
10 some of the limbs go in the upwards direction. It's called
11 cephalic. Cephalic, caudal.

12 So the caudal anchors will help to inhibit tilt as
13 well as caudal migration. And since tilt contributes to
14 perforation, that will help to reduce the degree of
15 perforation. And since perforation contributes to fatigue
16 fracture, that will help to reduce the incidence of fatigue
17 fracture.

18 Q Now, you also talked about the chamfer.

19 A Correct. Correct.

20 Q And what, in your opinion, should be done to the chamfer
21 to make it safer?

22 A The chamfer should be made gentler.

23 Q That's the edge of the cap?

24 A Edge of the cap. I'll show this illustration again.

25 The situation in the filters that we're discussing is

DIRECT EXAMINATION (CONT'D) - ROBERT McMECKING

11:33:58 1 like that. But as making it like that would be a much better
2 situation, a much safer situation, and would help to reduce
3 the incidences of fatigue failures that would be experienced
4 by the filter.

11:34:14 5 And a point to make is that the Simon Nitinol filter
6 has such a feature in its cap. Where the top wires come out
7 of the top cap there is a breaking of the edge that has the
8 same effect as I'm talking about with this gentler rounding of
9 the surface.

11:34:41 10 Q And then in terms of penetration limiters, what is your
11 opinion on those?

12 A My opinion on penetration limiters is that they would help
13 because they would help to reduce how much perforation and
14 penetration was taking place in the filter. And that would
11:35:00 15 contribute to reduction in the problems the filters have with
16 fatigue fracture because fatigue fracture is a consequence
17 often of perforation. And because perforation contributes to
18 tilt, it would have contributed to reducing how much tilt the
19 filters were experiencing as well.

11:35:26 20 Q Dr. McMeeking, you told us earlier that the G2, the G2X,
21 like the Recovery, and the Eclipse were marketed as permanent
22 filters; correct?

23 A That's correct.

24 Q Do you have an opinion whether the design flaws that you
11:35:48 25 have determined exist in each of those filters, defective

DIRECT EXAMINATION (CONT'D) - ROBERT McMEEKING

1 designs, were consistent with a filter that should be stable
2 and remain in a patient's vena cava for the duration of her
3 life?

4 A It is my opinion these features of the filter are
5 inconsistent with that objective.

6 Q And based upon the design, should Bard have known these
7 filters could fail at any time after implant?

8 A Yes.

9 Q Now, we talked about your opinions and your findings and
10 your calculations; correct?

11 A Correct.

12 Q And those opinions support what, in your mind, are
13 defective designs in this filter?

14 A That's correct.

15 Q And in your opinion, the defective design of the filter,
16 the G2, G2X, the Eclipse, the filter that Lisa Hyde
17 experienced, did those failures result from the defective
18 design?

19 A They do.

20 Q And do you attribute her failures that she experienced in
21 her filter, the penetration and the fracture, to the
22 inadequate testing that was done by Bard?

23 A I do.

24 Q And is the failures that Lisa Hyde's filter experienced,
25 contribute those to the improper internal assessments that